

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:09CR27-RLV**

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|--------------------------|---|--|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | |
| |) | |
| BERNARD VON NOTHAUS |) | |
| _____ |) | |

In re: PETITION OF DIANA HENGERER

ORDER DISMISSING PETITION

WHEREAS, on November 10, 2014, the Court entered a Memorandum and Order (Doc. 270) affirming the jury’s verdicts of guilty to Counts One, Two, and Three in the Superseding Bill of Indictment.

WHEREAS, on February 25, 2015, the Court entered the Amended (Third) Preliminary Order of Forfeiture (Doc. 297) forfeiting certain coins, metals, and other property to the United States.

WHEREAS, Diana Hengerer has filed a Petition (Doc. 558) claiming “several ounces” of silver purchased from the Liberty dollar organization on June 7, 2009.

WHEREAS, in the same Petition, Diana Hengerer also submitted “eleven warehouse certificates” as proof of her ownership of Liberty silver;

WHEREAS, the seizure of all property listed in the Notice of Forfeiture in the Superseding Bill of Indictment and in the Amended (Third) Preliminary Order of Forfeiture occurred on November 14, 15, 26, and 28, 2007.

NOW, THEREFORE, because an order to the Liberty Dollar Organization that occurred in 2009 concerns property that the United States never seized and thus cannot return to the

Petitioner and because the Petitioner has submitted documents that do not appear to be genuine Liberty Dollar warehouse receipts, Petitioner is not entitled to relief and the claim must be denied. Accordingly, pursuant to Fed. R. Crim. P. 32.2(c)(1)(A), Petitioner's claim is dismissed.

SO ORDERED.

Signed: December 21, 2015

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

